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NII Communications, Ltd. )  
d/b/a NII Communications, L.P. )  
Petition for emergency relief to protect )  
Petitioner's Annual Report from disclosure )  
for not less than five years in order to protect )  
highly proprietary information )

Docket No.

09-695

**PETITION**

NOW COMES, NII Communications, Ltd. d/b/a NII Communications, L.P. ("Petitioner") and hereby petitions the Illinois Commerce Commission ("Commission") for emergency relief to protect Petitioner's 2008 Annual Report from disclosure for not less than five years in order to protect highly proprietary information includes therein. In support of this Petition, Petitioner states as follows:

1. Petitioner is certificated by the Commission to provide competitive telecommunications services in the state of Illinois.

2. Petitioner is required to file an Annual Report pursuant to Section 5-109 of The Public Utilities Act (220 ILCS 5/5-109).

3. The Annual Report of the Petitioner contains highly proprietary and confidential commercial and financial information, the disclosure of which to competitors, or potential competitors, would be detrimental to Petitioner.

4. The telecommunications industry is highly competitive, and it is imperative that public disclosure of confidential information contained in the Annual Report of Petitioner be avoided for a period of at least five years following the issuance of an Order by the commission because of the competitive harm which disclosure of such information would likely cause Petitioner.

5. Section 7 of the Illinois Freedom of Information Act, 5 ILCS 140/7(g), exempts from public disclosure "trade secrets and commercial or financial information.... where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm." The annual Report of Petitioner, which is the subject matter of this Petition, falls within this exemption.

6. Petitioner seeks an Order from this Commission, without hearing, protecting from disclosure in its entirety Petitioner's Annual Report for a period of not less than five years.

WHEREFORE, NII Communications, Ltd. d/b/a NII Communications, L.P. respectfully requests that the Commission enter an Order, without hearing, protecting from disclosure in its entirety the 2008 Annual Report of the Petitioner for a period of not less than five years.

DATED this 10<sup>th</sup> day of February, 2009.

Respectfully submitted,

NII Communications GP, LLC general partner to NII Communications, Ltd. d/b/a NII Communications, L.P.

By: \_\_\_\_\_

Randall P. Muench  
President and Chief Marketing Officer  
NII Communications GP, LLC general partner to NII Communications, Ltd. d/b/a NII Communications, L.P.

STATE OF Florida           §  
   §  
COUNTY OF Orange       §

#### VERIFICATION

Randall P. Muench, being first duly sworn on oath, deposes and states that he is the President and Chief Marketing Officer of NII Communications, Ltd. d/b/a NII Communications, L.P., that he has read the above and foregoing Petition and knows the contents thereof, and that the same are true to the best of his knowledge, information and belief.

\_\_\_\_\_  
Randall P. Muench  
President and Chief Marketing Officer  
NII Communications GP, LLC general partner to NII Communications, Ltd. d/b/a NII Communications, L.P.

Subscriber and sworn to before me this 10<sup>th</sup> day of February, 2009.

Jamie Villanueva  
Notary Public

